

FIRST REGULAR SESSION

HOUSE BILL NO. 314

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

0800H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

2 Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be
3 known as section 290.590, to read as follows:

290.590. 1. As used in this section, the following terms shall mean:

2 **(1) "Employer", any individual, organization, partnership, state agency, political**
3 **subdivision, corporation, or other legal entity that employs or has employed one or more**
4 **individuals performing services for the entity within this state;**

5 **(2) "Labor organization", any organization of any kind, agency, employee**
6 **representation committee, or union that exists for the purpose, in whole or in part, of**
7 **dealing with employers concerning wages, rates of pay, hours of work, other conditions of**
8 **employment, or other forms of compensation.**

9 **2. No person shall be required as a condition or continuation of employment to:**

10 **(1) Become or refrain from becoming a member of a labor organization;**

11 **(2) Pay any dues, fees, assessments, or other similar charges however denominated**
12 **of any kind or amount to a labor organization; or**

13 **(3) In lieu of the payments listed under subdivision (2) of this subsection, pay to**
14 **any charity or other third party any amount equivalent to, or on a pro rata basis, any dues,**
15 **fees, assessments, or other charges required of members of a labor organization.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **3. Any agreement, understanding, or practice, written or oral, implied or express,**
17 **between any labor organization and employer that violates the rights of employees as**
18 **guaranteed under this section is unlawful, null and void, and of no legal effect.**

19 **4. Any person who directly or indirectly violates any provision of this section shall**
20 **be guilty of a class C misdemeanor.**

21 **5. (1) Any person injured as a result of any violation or threatened violation of**
22 **this section shall be entitled to injunctive relief against any and all violators or persons**
23 **threatening violations.**

24 **(2) Any person injured as a result of any violation or threatened violation of this**
25 **section may recover any and all damages of any character resulting from such violation or**
26 **threatened violation, including costs and reasonable attorney's fees. Such remedies shall**
27 **be independent of and in addition to the other penalties and remedies described under this**
28 **section.**

29 **6. The prosecuting attorney of each county and the attorney general of this state**
30 **shall investigate complaints of violation or threatened violation of this section, prosecute**
31 **any person violating this section, and use all means at their command to ensure the**
32 **effective enforcement of this section.**

33 **7. This section shall not apply:**

34 **(1) To employers and employees covered by the federal Railway Labor Act;**

35 **(2) To federal employers and employees;**

36 **(3) To employers and employees on exclusive federal enclaves;**

37 **(4) Where this section conflicts with or is preempted by federal law; or**

38 **(5) To any collective bargaining agreement or any other type of agreement between**
39 **an employer and a labor organization entered into before the effective date of this section,**
40 **but shall apply to any new agreement or renewal or extension of any existing collective**
41 **bargaining agreement.**

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